

John THE Milton
DOCTRINE
AND DISCIPLINE
OF
DIVORCE:
RESTORED TO THE GOOD
OF BOTH SEXES,
From the bondage of Canon Law,
and other mistakes, to Christian freedom,
guided by the Rule of Charity.
Wherein also many places of Scripture, have
recover'd their long-lost meaning;
Seasonable to be now thought on in the
Reformation intended.

MATTH. 13. 52.

*Every Scribe instructed to the Kingdome of Heav'n, is like the Maister
of a house which bringeth out of his treasure things old and new.*

L O N D O N,
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THE
DOCTRINE
AND DISCIPLINE
OF DIVORCE;
RESTOR'D TO THE GOOD
OF BOTH SEXES.



Any men, whether it be their fate, or fond opinion, easily perswade themselves, if God would but be pleas'd a while to withdraw his just punishments from us, and to restraints what power either the devill, or any earthly enemy hath to worke us woe, that then mans nature would find immediate rest and release-ment from all evils. But verily they who think so, if they be such as have a minde large enough to take into their thoughts a generall survey of humane things, would soone prove themselves in that opinion farre deceiv'd. For though it were granted us by divine indulgence to be exempt from all that can be harmfull to us from without, yet the perversnesse of our folly is so bent, that we should never lin hammering out of our owne hearts, as it were out of a flint, the seeds and sparkles of new miseries to our selves, till all were in a blaze againe. And no marvell if out of our own hearts, for they are evill; but ev'n out of those things which God meant us, either for a principall good, or a pure contentment, we are still hatching and contriving upon our selves matter of continuall sorrow and perplexitie. What greater good to man then that revealed rule, whereby God vouchsafes to shew us how he would be worshipt? and yet that not rightly understood, became

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the cause that once a famous man in *Israel* could not but oblige his conscience to be the sacrificer, or if not, the jayler of his innocent and onely daughter. And was the cause oft-times that Armies of valiant men have given up their throats to a heathenish enemy on the Sabbath day: fondly thinking their defensive resistance to be as then a work unlawfull. What thing more instituted to the solace and delight of man then marriage, and yet the mis-interpreting of some Scripture directed mainly against the abusers of the Law for divorce giv'n them by *Moses*, hath chang'd the blessing of matrimony not seldome into a familiar and co-inhabiting mischiefe; at least into a drooping and disconsolate household captivitie, without refuge or redemption. So ungovern'd and so wild a race doth superstition run us from one extreme of abused libertie into the other of unmercifull restraint. For although God in the first ordaining of marriage, taught us to what end he did it, in words expressly implying the apt and cheerfull conversation of man with woman, to comfort and refresh him against the evill of solitary life, not mentioning the purpose of generation till afterwards, as being but a secondary end in dignity, though not in necessitie; yet now, if any two be but once handed in the Church, and have tasted in any sort of the nuptiall bed, let them finde themselves never so mistak'n in their dispositions through any error, concealment, or misadventure, that through their different tempers, thoughts, and constitutions, they can neither be to one another a remedy against lonelines, nor live in any union or contentment all their dayes, yet they shall, so they be but found suitably weapon'd to the left possibilitie of sensual enjoyment, be made, spight of *antipathy* to fadge together, and combine as they may to their unspeakable wearisomnes & despaire of all sociable delight in the ordinance which God establisht to that very end. What a calamitie is this, and as the Wise-man, if he were alive, would sigh out in his own phrase, what a *fore evill is this under the Sunne*! All which we can referre justly to no other author then the Canon Law and her adherents, not consulting with charitie, the interpreter and guide of our faith, but resting in the meere element of the Text; doubtles by the policy of the devill to make that gracious ordinance become unsupportable, that what with men not daring to venture upon wedlock, and what with men wearied out of it, all inordinate licence might abound. It was for many ages that marriage lay in disgrace with most of the ancient Doctors, as a
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work of the flesh, almost a defilement, wholly deny'd to Priests, and the second time dissuaded to all, as he that reads *Tertullian* or *Jerom* may see at large. Afterwards it was thought so Sacramentall, that no adultery could dissolve it; yet there remains a burden on it as heavy as the other two were disgracefull or superstitious, and of as much iniquitie, crossing a Law not onely writ'n by *Moses*, but character'd in us by nature, of more antiquitie and deeper ground then marriage it selfe; which Law is to force nothing against the faultles proprieties of nature: yet that this may be colourably done, our Saviours words touching divorce, are as it were congeal'd into a stony rigor, inconsistent both with his doctrine and his office, and that which he preacht onely to the conscience, is by canonick tyranny snatcht into the compulsive censure of a judiciall Court; where Laws are impos'd even against the venerable & secret power of natures impression, to love what ever cause be found to loath. Which is a hainous barbarisme both against the honour of marriage, the dignitie of man and his soule, the goodnes of Christianitie, and all the humane respects of civilitie. Notwithstanding that some the wisest and gravest among the Christian Emperours, who had about them, to consult with, those of the fathers then living, who for their learning & holines of life are still with us in great renown, have made their statutes & edicts concerning this debate, far more easie and relenting in many necessary cases, wherein the Canon is inflexible. And *Hugo Grotius*, a man of these times, one of the best learned, seems not obscurely to adhere in his perswasion to the equitie of those imperiall decrees, in his notes upon the *Evangelists*, much allaying the outward roughnesse of the Text, which hath for the most part been too immoderately expounded; and excites the diligence of others to enquire further into this question, as containing many points which have not yet been explain'd. By which, and by mine owne apprehension of what publick duty each man owes, I conceive my selfe exhorted among the rest to communicate such thoughts as I have, and offer them now in this generall labour of reformation, to the candid view both of Church and Magistrate; especially because I see it the hope of good men, that those irregular and unspirituall Courts have spun their utmost date in this Land; and some better course must now be constituted. He therefore that by adventuring shall be so happy as with successe to ease & set free the minds of ingenuous and apprehensive men from this needlesse

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thraldome, he that can prove it lawfull and just to claime the performance of a fit and matchable conversation, no lesse essentiall to the prime scope of marriage then the gift of bodily conjunction, or els to have an equall plea of divorce as well as for that corporall deficiency; he that can but lend us the clue that windes out this labyrinth of servitude to such a reasonable and expedient liberty as this, deserves to be reck'n'd among the publick benefactors of civill and humane life; above the inventors of wine and oyle; for this is a far dearer, far nobler, and more desirable cherishing to mans life, unworthily expos'd to sadness and mistake, which he shall vindicate. Not that licence and levity and unconsented breach of faith should herein be countenanc'd, but that some conscionable, and tender pity might be had of those who have unwarily in a thing they never practiz'd before, made themselves the bondmen of a luckles and helples matrimony. In which Argument he whose courage can serve him to give the first onser, must look for two severall oppositions: the one from those who having sworn themselves to long custom and the letter of the Text, will not out of the road: the other from those whose grosse and vulgar apprehensions conceit but low of matrimoniall purposes, and in the work of male and female think they have all. Neverthelesse, it shall be here sought by due wayes to be made appeare, that those words of God in the institution, promising a meet help against loneliness; and those words of Christ, *That his yoke is easie and his burden light*, were not spoken in vaine; for if the knot of marriage may in no case be dissolv'd but for adultery, all the burd'ns and services of the Law are not so intolerable. This onely is desir'd of them who are minded to judge hardly of thus maintaining, that they would be still and heare all out, nor think it equall to answer deliberate reason with sudden heat and noise; remembering this, that many truths now of reverend esteem and credit, had their birth and beginning once from singular and private thoughts; while the most of men were otherwise posselt; and had the fate at first to be generally exploded and exclaim'd on by many violent opposers; yet I may erre perhaps in soothing my selfe that this present truth reviv'd, will deserve to be not ungently receiv'd on all hands; in that it undertakes the cure of an inveterate disease crept into the best part of humane societie: and to doe this with no smarting corrosive, but with a smooth and pleasing lesson, which receiv'd hath the vertue to soften and dispell rooted and knotty sorrows;

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rowes; and without enchantment or spel us'd hath regard at once both to serious pittie, and upright honesty; that tends to the redeeming and restoring of none but such as are the object of compassion; having in an ill houre hamper'd themselves to the utter dispatch of all their most beloved comforts & repose for this lives term. But if wee shall obstinately dislike this new overture of unexpected ease and recovery, what remains but to deplore the forwardnes of our hopeles condition, which neither can endure the estate we are in, nor admit of remedy either sharp or sweet. Sharp we our selves distast; and sweet, under whose hands we are, is scrupl'd and suspected as too luscious. In such a posture Christ found the *Jews*, who were neither won with the austerity of *John the Baptist*, and thought it too much licence to follow freely the charming pipe of him who sounded and proclaim'd liberty and reliefe to all distresses: yet Truth in some age or other will find her witnes, and shall be iustity'd at last by her own children.

To remove therefore if it be possible, this great and sad oppression which through the strictnes of a literall interpreting hath invaded and disturb'd the dearest and most peaceable estate of household society, to the over-burnding, if not the over-whelming of many Christians better worth then to be so deserted of the Churches considerate care, this position shall be laid down; first proving, then answering what may be objected either from Scripture or light of reason.

That indisposition, unfitness, or contrariety of mind, arising from a cause in nature unchangable, hindring and ever likely to hinder the main benefits of conjugall society, which are solace and peace, is a greater reason of divorce then naturall frigidity, especially if there be no children, and that there be mutuall consent.

For all sense and reason and equity reclaimes that any Law or Cov'nant how solemn or strait soever, either between God and man, or man and man, though of Gods joyning, should bind against a prime and principall scope of its own institution, and of both or either party cov'nanting: neither can it be of force to ingage a blameles creature to his own perpetuall sorrow, mistak'n for his expected solace, without suffering charity to step in and doe a confest good work of parting those whom nothing holds together, but this of Gods joyning, falsly suppos'd against the expresse end of his own ordinance. And what his chiefe end was of creating woman to be

joynd with man, his own instituting words declare, and are infallible to informe us what is mariage, and what is no mariage; unlesse we can think them set there to no purpose: *It is not good*, saith he, *that man should be alone; I will make him a help meet for him.* From which words so plain, lesse cannot be concluded, nor is by any learned Interpreter, then that in Gods intention a meet and happy conversation is the chiefeft and the noblest end of mariage; for we find here no expression so necessarily implying carnall knowledg, as this prevention of lonelinessse to the mind and spirit of man. And indeed it is a greater blessing from God, more worthy so excellent a creature as man is, and a higher end to honour and sanctifie the league of mariage, whenas the solace and satisfaction of the minde is regarded and provided for before the sensitive pleasing of the body. And with all generous persons married thus it is, that where the minde and person pleases aply, there some unaccomplishment of the bodies delight may be better born with, then when the minde hangs off in an unclosing disproportion, though the body be as it ought; for there all corporall delight will soon become unfavoury and contemptible. And the solitarines of man, which God had namely and principally orderd to prevent by mariage, hath no remedy, but lies under a worse condition then the loneliest single life; for in single life the absence and remotenes of a helper might inure him to expect his own comforts out of himselfe, or to seek with hope; but here the continuall sight of his deluded thoughts without cure, must needs be to him, if especially his complexion incline him to melancholy, a daily trouble and paine of losse in some degree like that which Reprobates feel. Lest therefore so noble a creature as man should be shut up incurably under a worse evill by an easie mistake in that ordinance which God gave him to remedy a lesse evill, reaping to himselfe sorrow while he went to rid away solitarines, it cannot avoyd to be concluded, that if the woman be naturally so of disposition, as will not help to remove, but help to encrease that same God-forbiddⁿ loneliness which will in time draw on with it a generall discomfort and dejection of minde, not be-seeming either Christian profession or morall conversation, unprofitable and dangerous to the Common-wealth, when the household estate, out of which must flourish forth the vigor and spirit of all publick enterprizes, is so ill contented and procur'd at home, and cannot be supported; such a mariage can be no mariage whereto
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the most honest end is wanting: and the agrieved person shall doe more manly, to be extraordinary and singular in claiming the due right whereof he is frustrated, then to piece up his lost contentment by visiting the Stews, or stepping to his neighbours bed, which is the cōmon shift in this mis-fortune, or els by suffering his usefull life to waist away and be lost under a secret affliction of an unconscionable size to humane strength. How vain therefore is it, and how preposterous in the Canon Law to have made such carefull provisi- on against the impediment of carnall performance, and to have had no care about the unconversing inability of minde, so defective to the purest and most sacred end of matrimony: and that the vessell of voluptuous enjoyment must be made good to him that has tak'n it upon trust without any caution, when as the minde from whence must flow the acts of peace and love, a far more precious mixture then the quintessence of an excrement, though it be found never so deficient and unable to performe the best duty of mariage in a cheerfull and agreeable conversation, shall be thought good enough, how ever flat & melancholious it be, and must serve though to the eternall disturbance and languishing of him that complains him. Yet wisdom and charity waighing Gods own institution, would think that the pining of a sad spirit wedded to lonelines should deserve to be free'd, as well as the impatience of a sensuall desire so providently reliev'd. Tis read to us in the Liturgy, that *wee must not marry to satisfie the fleshly appetite, like brute beasts that have no understanding*: but the Canon so runs, as if it dreamt of no other matter then such an appetite to be satisfy'd; for if it happen that nature hath stopt or extinguisht the veins of sensuality, that mariage is annull'd. But though all the faculties of the understanding and conversing part after triall appeare to be so ill and so averfly met through natures unalterable working, as that neither peace, nor any sociable contentment can follow, tis as nothing, the contract shall stand as firme as ever, betide what will. What is this but secretly to instruct us, that however many grave reasons are pretended to the married life, yet that nothing indeed is thought worth regard therein, but the prescrib'd satisfaction of an irrational heat; which cannot be but ignominious to the state of mariage, dishonourable to the undervalu'd soule of man, and even to Christian doctrine it self. While it seems more mov'd at the disappointing of an impetuous nerve, then at the ingenuous grievance of a minde unreasonably
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yoakt; and to place more of marriage in the channell of concupiscence, then in the pure influence of peace and love, whereof the souls lawfull contentment is the onely fountain.

But some are ready to object, that the disposition ought seriously to be consider'd before. But let them know again, that for all the warinesse can be us'd, it may yet befall a discreet man to be mistak'n in his choice: the soberest and best govern'd men are lest practiz'd in these affairs; and who knows not that the bashtull murenes of a virgin may oft-times hide all the unlivelines & naturall sloth which is really unfit for conversation; nor is there that freedom of access granted or presum'd, as may suffice to a perfect discerning till too late: and where any indisposition is suspected, what more usuall then the perswasion of friends, that acquaintance, as it encreases, will amend all. And lastly, it is not strange though many who have spent their youth chastly, are in some things not so quick-sighted, while they hast too eagerly to light the nuptiall torch; nor is it therefore that for a modest error a man should forfeit so great a happiness, and no charitable means to release him. Since they who have liv'd most loosely by reason of their bold accustoming, prove most succesfull in their matches, because their wild affections unsetling at will, have been as so many divorces to teach them experience. When as the sober man honouring the appearance of modestie, and hoping well of every sociall vertue under that veile, may easily chance to meet, if not with a body impenetrable, yet often with a minde to all other due conversation inaccessible, and to all the more estimable and superior purposes of matrimony uselesse and almost liveles: and what a solace, what a fit help such a confort would be through the whole life of a man, is lesse paine to conjecture then to have experience.

And that we may further see what a violent and cruell thing it is to force the continuing of those together, whom God and nature in the gentlest end of marriage never joyn'd, divers evils and extremities that follow upon such a compulsion shall here be set in view. Of evils the first and greatest is that hereby a most absurd and rash imputation is fixt upon God and his holy Laws, of conniving and dispensing with open & common adultery among his chosen people; a thing which the rankest politician would think it shame and disworship, that his Laws should countenance; how and in what manner this comes to passe, I shall reserve, till the course of method

thod brings on the unfolding of many Scriptures. Next the Law and Gospel are hereby made liable to more then one contradiction, which I referre also thither. Lastly, the supreme dictate of charitie is hereby many wayes neglected and violated. Which I shall forthwith addresse to prove. First we know S^t Paul saith, *It is better to marry then to burne*. Mariage therefore was giv'n as a remedy of that trouble: but what might this burning mean? Certainly not the meer morion of carnall lust, not the meer goad of a sensitive desire; God does not principally take care for such cattell. What is it then but that desire which God put into *Adam* in Paradise before he knew the sin of incontinence; that desire which God saw it was not good that man should be left alone to burn in; the desire and longing to put off an unkindly solitarines by uniting another body, but not without a fit soule to his in the cheerfull society of wedlock. Which if it were so needfull before the fall, when man was much more perfect in himself, how much more is it needfull now against all the sorrows and casualties of this life to have an intimate and speaking help, a ready and reviving associate in marriage: whereof who misses by chancing on a mute and spiritles mate, remains more alone then before, and in a burning lesse to be contain'd then that which is fleshly and more to be consider'd; as being more deeply rooted even in the faultles innocence of nature. As for that other burning, which is but as it were the venom of a lusty and overabounding concoction, strict life and labour with the abatement of a full diet may keep that low and obedient enough: but this pure and more inbred desire of joyning to it self in conjugall fellowship a fit conversing soul (which desire is properly call'd love) is stronger then death as the Spouse of Christ thought, *many waters cannot quench it, neither can the floods drown it*. This is that rationall burning that mariage is to remedy, not to be allay'd with fasting, nor with any penance to be subdu'd, which how can he assuage who by mis-hap hath met the unmeetest and most unsutable mind? Who hath the power to struggle with an intelligible flame, not in Paradise to be resisted, become now more ardent, by being fail'd of what in reason it lookt for; and even then most unquench't, when the importunity of a provender burning is well enough appeas'd; and yet the soul hath obtain'd nothing of what it justly desires. Certainly such a one forbidd'n to divorce, is in effect forbidd'n to marry, and compell'd to greater difficulties then in a single life; for it there be not a more

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human burning which marriage must satisfy, or els may be dissolv'd, then that of copulation, marriage cannot be honorable for the meer reducing and terminating of lust between two; seeing many beasts in voluntary and chosen couples live together as unadulterously, and are as truly married in that respect. But all ingenuous men will see that the dignity & blessing of marriage is plac'd rather in the mutual enjoyment of that which the wanting soul needfully seeks, then of that which the plenteous body would jollily give away. Hence it is that *Plato* in his festivall discours brings in *Socrates* relating what he fain'd to have learnt from the Prophetesse *Diotima*, how Love was the Sonne of *Penury*, begot of *Plenty* in the garden of *Jupiter*. Which divinely forts with that which in effect *Moses* tells us; that Love was the Son of *Lonelines*, begot in Paradise by that sociable & helpfull aptitude which God implanted between man and woman toward each other. The same also is that burnining mention'd by *St. Paul*, whereof marriage ought to be the remedy; the flesh hath other naturall and easie curbes which are in the power of any temperate man. When therefore this originall and sinles *Penury* or *Lonelines* of the soul cannot lay it self down by the side of such a meet & acceptable union as God ordain'd in marriage, at least in some proportion, it cannot conceive and bring forth Love, but remains utterly unmarried under a formall wedlock, and still burnes in the proper meaning of *St. Paul*. Then enters *Hate*, not that Hate that sins, but that which onely is naturall dissatisfaction and the turning aside from a mistaken object: if that mistake have done injury, it fails not to dismisse with recompence, for to retain still, and not be able to love, is to heap more injury. Thence that wise and pious Law of dismissal, *Deut. 24. 1.* took beginning; of which anon: He therefore who lacking of his due in the most native and humane end of marriage, thinks it better to part then to live sadly and injuriously to that cherfull covnant (for not to be belov'd & yet retain'd, is the greatest injury to a gentle spirit) he I say who therefore seeks to part, is one who highly honours the married life, and would not stain it: and the reasons which now move him to divorce, are equall to the best of those that could first warrant him to marry; for, as was plainly shewn, both the hate which now diverts him and the loneliness which leads him still powerfully to seek a fir help, hath not the least grain of a sin in it, if he be worthy to understand himself.

Thirdly, Yet it is next to be feard, if he must be still bound with-

cut reason by a deafe rigor, that when he perceives the just expectation of his mind defeated, he will begin even against Law to cast about where he may find his satisfaction more compleat, unlesse he be a thing heroically vertuous, and that are not the common lump of men for whom chiefly the Laws ought to be made, though not to their fins yet to their unfirming weakneses, it being above their strength to endure the lonely estate, which while they shun'd, they are tain into. And yet there follows upon this a worse temptation; for if he be such as hath spent his youth unblamably, and layd up his chiefest earthly comforts in the enjoyment of a contented marriage, nor did neglect that furdurance which was to be obtain'd herein by constant prayers, when he shall find himselfe bound fast to an uncomplying discord of nature, or, as it oft happens, to an image of earth and fleam, with whom he lookt to be the copartner of a sweet and glad some society, and sees withall that his bondage is now inevitable, though he be almost the strongest Christian, he will be ready to despair in vertue, and mutin against divine providence: and this doubles is the reason of those lapses and that melancholy despair which we see in many wedded persons, though they understand it not, or pretend other causes, because they know no remedy, and is of extreme danger; herefore when human frailty surcharg'd, is at such a losse, charity ought to venture much, and use bold physick, lest an over-toft faith endanger to shipwrack.

Fourthly, Mariage is a covenant the very beeing whereof consists, not in a forc't cohabitation, and counterfeit performance of duties, but in unfained love and peace. Thence saith *Salomon in Ecclesiastes*, *Live joyfully with the wife whom thou lovest, all thy dayes, for that is thy portion* How then, where we find it impossible to rejoyce or to love, can we obey this precept? how miserably doe we defraud our selves of that comfortable portion which God gives us, by striving vainly to glue an error together which God and nature will not joyne, adding but more vexation and violence to that blisfull society by our importunate superstition, that will not heark'n to *St. Paul, 1 Cor. 7.* who speaking of marriage and divorce, determines plain enough in generall that God therein *hath call'd us to peace and not to bondage.* Yea God himselfe commands in his Law more then once, and by his Prophet *Malachy*, as *Calvin* and the best translations read, that *he who hates let him divorce*; that is, he who cannot love, or delight. I cannot therefore be so diffident, as not securely to conclude, that he

who can receive nothing of the most important helps in marriage, being thereby disinabl'd to return that duty which is his, with a clear and hearty countenance; and thus continues to grieve whom he would not, and is no lesse griev'd, that man ought even for loves sake and peace to move divorce upon good and liberall conditions to the divorc't. And it is a lesse breach of wedlock to part with wife and quiet consent betimes, then still to soile and profane that mystery of joy and union with a polluting sadness and perpetuall distemper; for it is not the outward continuing of marriage that keeps whole that covenant, but whosoever does most according to peace and love, whether in marriage, or in divorce, he it is that breaks marriage lest; it being so often written, that *Love onely is the fulfilling of every Commandment.*

Fifthly, As those Priests of old were not to be long in sorrow, or if they were, they could not rightly execute their function; so every true Christian in a higher order of Priesthood is a person dedicate to joy and peace, offering himselfe a lively sacrifice of praise and thanksgiving, & there is no Christian duty that is not to be season'd and set off with chefulness; which in a thousand outward and intermitting crosses may yet be done well, as in this vale of teares, but in such a bosom affliction as this, which grinds the very foundations of his inmost nature, when he shall be forc'd to love against a possibility, and to use dissimulation against his soul in the perpetuall and ceaseles duties of a husband, doubtles his whole duty of serving God must needs be blur'd and tainted with a sad unpreparednesse and dejection of spirit, wherein God has no delight. Who sees not therefore how much more Christianly it would be to break by divorce that which is more brok'n by undue and forcible keeping, rather then to cover the *Altar of the Lord with continuall teares*, so that he regardeth not the offering any more, rather then that the whole worship of a Christian mans life should languish and fade away beneath the waight of an immeasurable grief and discouragement. And because some think the childer'n of a second matrimony succeeding a divorce would not be a holy seed, why should we not think them more holy then the offspring of a former ill-twisted wedlock, begott'n only out of a bestiall necessitie without any true love or contentment, or joy to their parents, so that in some sense we may call them the *childern of wrath* and anguish, which will as little conduce to their sanctifying, as if they had been bastards; for nothing more
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then disturbance of minde suspends us from approaching to God. Such a disturbance especially as both assaults our faith and trust in Gods providence, and ends, if there be not a miracle of vertue on either side, not onely in bitternes and wrath, the canker of devotion, but in a desperate and vicious carelesnes; when he sees himself without fault of his train'd by a deceitfull bait into a snare of misery, betray'd by an alluring ordinance, and then made the thrall of heaviness & discomfort by an undivorcing Law of God, as he erroneously thinks, but of mans iniquitie, as the truth is; for that God preferres the free and cherfull worship of a Christian, before the grievous and exacted observance of an unhappy mariage, besides that the generall maxims of Religion assure us, will be more manifest by drawing a paralel argument from the ground of divorcing an Idolatresse, which was, lest she should alienate his heart from the true worship of God: and what difference is there whether she pervert him to superstition by enticing sorcery, or disinable him in the whole service of God through the disturbance of her unhelpful and unfit society, and so drive him at last through murmuring and despair to thoughts of Atheism: neither doth it lessen the cause of separating, in that the one willingly allures him from the faith, the other perhaps unwillingly drives him; for in the account of God it comes all to one that the wife looses him a servant; and therefore by all the united force of the *Decalogue* she ought to be disbanded, unlesse we must set mariage above God and charitie, which is a doctrine of devils no lesse then forbidding to marry.

And here by the way to illustrate the whole question of divorce, ere this treatise end, I shall not be loath to spend a few lines in hope to give a full resolv of that which is yet so much controverted, whether an Idolatrous heretick ought to be divorc'd. To the resolving whereof we must first know that the *Jews* were commanded to divorce an unbeleeving Gentile for two causes: first, because all other Nations especially the *Canaanites* were to them unclean. Secondly, to avoid seducement. That other Nations were to the *Jews* impure, even to the separating of mariage, will appear out of *Exod.* 34. 16. *Deut.* 7. 3. 6. compar'd with *Ezra* 9. 2. also chap. 10. 10, 11. *Nehem.* 13. 30. This was the ground of that doubt rais'd among the *Corinthians* by some of the Circumcision; Whether an unbeleever wer not still to be counted an unclean thing, so as that they ought to divorce from such a person. This doubt of theirs *St. Paul* re-

moves by an Evangelicall reason, having respect to that vision of *St. Peter*, wherein the distinction of clean and unclean beeing abolished, all living creatures were sanctify'd to a pure and christian use, and mankind especially, now invited by a generall call to the covenant of grace. Therefore saith *St. Paul*, *The unbelieving wife is sanctify'd by the husband*; that is, made pure and lawfull to his use; so that he need not put her away for fear lest her unbelief should defile him; but that if he found her love stil towards him, he might rather hope to win her. The second reason of that divorce was to avoid seducement, as is prov'd by comparing those places of the Law, to that which *Ezra* and *Nehemiah* did by divine warrant in compelling the *Jews* to forgoe their wives. And this reason is morall and perpetuall in the rule of Christian faith without evasion. Therefore saith the Apostle *2 Cor. 6. Mis-yoke not together with Infidels*, which is interpreted of mariage in the first place. And although the former legall pollution be now don off, yet there is a spirituall contagion in Idolatry as much to be shunn'd; and though seducement were not to be fear'd, yet where there is no hope of converting, there alwayes ought to be a certain religious averlation and abhorring, which can no way sort with mariage. Therefore saith *St. Paul*, *What fellowship hath righteousness with unrighteousnesse? what communion hath light with darknesse? what concord hath Christ with Belial? what part hath he that beleeveth with an Infidell?* And in the next verse but one, he moralizes and makes us liable to that command of *Isaiah*, *Wherefore come out from among them, and be ye separate saith the Lord, touch not the unclean thing, and I will receive ye.* And this command thus Gospelliz'd to us, hath the same force with that whereon *Ezra* grounded the pious necessitie of divorcing.

Upon these principles I answer, that a right beleever ought to divorce an idolatrous heretick unlesse upon better hopes: however that it is in the beleevers choice to divorce or not.

The former part will be manifest thus; first, an apostate idolater whether husband or wife seducing was to die by the decree of God, *Deut. 13. 6. 9.* that mariage therefore God himself dis joyns; for others born idolaters the morall reason of their dangerous keeping and the incommunicable antagony that is between Christ and *Belial*, will be sufficient to enforce the commandment of those two inspir'd reformers, *Ezra* and *Nehemiah*, to put an Idolater away as well under the Gospel.

The latter part, that although there be no seducement fear'd, yet if there be no hope giv'n, the divorce is lawfull, will appear by this, that idolatrous marriage is still hatefull to God, therefore still it may be divorc'd by the pattern of that warrant that *Exra* had; and by the same everlasting reason: neither can any man give an account wherefore, if those whom God joyns, no man may separate, it should not follow, that, whom he joyns not, but hates to joyn, those man ought to separate: but saith the Lawyer, that which ought not have been don, once don avails. I answer, this is but a crochet of the law, but that brought against it, is plain Scripture. As for what Christ spake concerning divorce, tis confest by all knowing men, he meant onely between them of the same faith. But what shall we say then to *S^t. Paul*, who seems to bid us not divorce an Infidell willing to stay? We may safely say thus; that wrong collections have been hitherto made out of those words by modern Divines. His drift, as was heard before, is plain: not to command our stay in marriage with an Infidel, that had been a flat renouncing of the religious and morall law; but to inform the *Corinthians* that the body of an unbeliever was not defiling, if his desire to live in Christian wedlock shewd any likelihood that his heart was opening to the faith: and therefore advices to forbear departure so long, till nothing have bin neglected to set forward a conversion: this I say he advises, and that with certain cautions; not commands: If we can take up so much credit for him, as to get him believ'd upon his own word; for what is this els but his counsell in a thing indifferent, *to the rest speak I, not the Lord*; for though it be true that the Lord never spake it, yet from *S^t. Paul's* mouth wee should have took it as a command, had not himself forewarn'd us, and disclaim'd; which, notwithstanding if we shall still avouch to be a command, he palpably denying it, this is not to expound *S^t. Paul*, but to out-face him. Neither doth it follow, but that the Apostle may interpose his judgement in a case of Christian libertie without the guilt of adding to Gods word. How doe we know marriage or single life to be of choice, but by such like words as these, *I speak this by permission, not of commandment, I have no command of the Lord, yet I give my judgement*. Why shall not the like words have leave to signifie a freedom in this our present question, though *Beza* deny. Neither is the Scripture hereby lesse inspir'd because *S^t. Paul* confesses to have writt'n therein what he had not of command; for we grant that the Spirit of God led him thus to ex-
presse

presse himself to christian prudence in a matter which God thought
 best to leave uncommanded. *Beza* therefore must be warily read
 when he taxes *S^t. Austin* of Blasphemy, for holding that *S^t. Paul*
 spake heer as of a thing indifferent : but if it must be a command, I
 shall yet the more evince it to be a command that we should heerin
 be left free : and that out of the Greek word us'd in the 12.v. which
 instructs us plainly there must be a joynt assent and good liking on
 both sides ; he that will not deprave the Text, must thus render it ;
If a brother have an unbelieving wife, and she joyn in consent to dwell with
him (which cannot utter lesse to us then a mutuall agreement) let
 him not put her away for the meer surmise of Judaicall uncleannes :
 and the reason follows, for the body of an Infidell is not polluted,
 neither to benevolence, nor to procreation. Moreover, this note of
 mutuall complacency forbids all offer of seducement ; which to a
 person of zeal cannot be attempted without great offence, if ther-
 fore seducement be fear'd, this place hinders not divorce. Another
 caution was put in this supposed command, of not bringing the be-
 leever into *bondage* heerby, which doubtles might prove extreme,
 if christian liberty and conscience were left to the humor of a pa-
 gan staying at pleasure to play with, or to vex and wound with a
 thousand scandals and burdens above strength to bear : if therefore
 the conceived hope of gaining a soul come to nothing, then charity
 commands that the beleever be not wearied out with endles wait-
 ing under many grievances sore to his spirit ; but that respect be had
 rather to the present suffering of a true Christian, then the uncer-
 tain winning of an obdur'd heretick ; for this also must appertain to
 the precept, *Let every man wherein he is call'd therein abide with God,*
v. 24. that is, so walking in his inferior calling of marriage, as not by
 dangerous subjection to that ordinance, to hinder and disturb the
 higher calling of his christianitie. Last, whether this be a command
 or an advice, we must look that it be so understood as not to con-
 tradict the least point of morall religion that God hath formerly
 commanded, otherwise what doe we, but set the morall Law and
 the Gospel at civill war together : and who then shall be able to
 serve those two masters ?

Now whether Idolatry or adultery be the greatest violation of
 marriage, if any demand, let him thus consider, that among Chri-
 stian Writers touching matrimony, there be three chief ends ther-
 of agreed on ; Godly society, next civill, and thirdly, that of the ma-
 riage-

riage-bed. Of these the first in name to be the highest and most excellent, no baptiz'd man can deny; nor that Idolatry smites directly against this prime end, nor that such as the violated end is, such is the violation: but he who affirms adultery to be the highest breach, affirms the bed to be the highest of marriage, which is in truth a grosse and borish opinion, how common soever; as farre from the countenance of Scripture, as from the light of all clean philosophy, or civill nature. And out of question the cherfull help that may be in marriage toward sanctity of life, is the purest and so the noblest end of that contract: but if the particular of each person be consider'd, then of those three ends which God appointed, that to him is greatest which is most necessary: and marriage is then most brok'n to him, when he utterly wants the fruition of that which he most sought therein, whether it were religious, civill, or corporall society. Of which wants to do him right by divorce only for the last and meanest, is a pervers injury, and the pretended reason of it as frigid as frigidity it self, which the *Code* and canon are only sensible of. Thus much of this controversie. I now return to the former argument. And having shewn, that disproportion, contrariety, or numnesse of minde may justly be divorc't, by proving already that the prohibition therof opposes the expresse end of Gods institution, suffers not marriage to satisfie that intellectuall and innocent desire which God himself kind'd in man to be the bond of wedlock, but only to remedy a sublunary and bestial burning, which frugal diet without marriage would easily chast'n. Next that it drives many to transgresse the conjugall bed, while the soule wanders after that satisfaction which it had hope to find at home, but hath mis't. Or els it sits repining even to Atheism; finding it self hardly dealt with, but misdeeming the cause to be in Gods Law, which is in mans unrighteous ignorance. I have shew'd also how it unties the inward knot of marriage, which is peace & love (if that can be untid which was never knit) while it aimes to keep fast the outward formalitie; how it lets perish the Christian man, to compell impossibly the married man.

The sixt place declares this prohibition to be as respectles of human nature, and therefore is not of God. He teaches that an unlawfull marriage may be lawfully divorc't. And that those who having throughly discern'd each others disposition which oftentimes cannot be till after matrimony, shall then finde a powerfull relu-

stance and recoile of nature on either side blasting all the content of their mutuall society, that such persons are not lawfully married (to use the Apostles words) *Say I these things as a man, or saith not the Law also the same? for it is writt'n, Deut. 22. Thou shalt not sow thy vineyard with divers seeds, lest thou defile both. Thou shalt not plow with an Oxe and an Asse together, and the like.* I follow the pattern of St. Pauls reasoning; *Doth God care for Asses and Oxen, how ill they yoke together, or is it not said altogether for our sakes? for our sakes no doubt this is writt'n.* Yea the Apostle himself in the forecited 2 Cor. 6. 14. alludes from that place of *Deut.* to forbid mis-yoking mariage; as by the Greek word is evident, though he instance but in one example of mis-matching with an Infidell: yet next to that, what can be a fouler incongruity, a greater violence to the reverend secret of nature, then to force a mixture of minds that cannot unite, & to sowe the furrow of mans nativity with seed of two incoherent and uncombining dispositions. Surely if any noysomnes of body soon destroys the sympathy of mind to that work, much more will the antipathy of minde infuse it self into all the faculties and acts of the body, to render them invalid, unkindly, and even unholy against the fundamentall law book of nature; which *Moses* never thwartes, but reverences: therefore he commands us to force nothing against sympathy or naturall order, no not upon the most abject creatures; to shew that such an indignity cannot be offer'd to man without an impious crime. And when he forbids all unmatchable and unmingling natures to consort, doubles by all due consequence, if they chance through misadventure to be miscoupl'd, he bids them part asunder, as persons whom God never joyn'd.

Seventhly, The Canon Law and Divines consent, that if either party be found contriving against the others life, they may be sever'd by divorce; for a sin against the life of mariage is greater then a sin against the bed: the one destroys, the other but defiles: The same may be said touching those persons who beeing of a pensive nature and cours of life, have summ'd up all their solace in that free and lightsom conversation which God & man intends in mariage: wherof when they see themselves depriv'd by meeting an unsociable consort, they oft times resent one anothers mistake so deeply, that long it is not ere grief end one of them. When therefore this danger is foreseen that the life is in perill by living together, what matter is it whether helples grief, or wylfull practice be the cause?

This

This is certain that the preservation of life is more worth then the compulsory keeping of marriage; and it is no lesse then cruelty to force a man to remain in that state as the solace of his life, which he and his friends know will be either the undoing or the disheartning of his life. And what is life without the vigor and spiritfull exercise of life? how can it be usefull either to private or publick employment? shall it be therefore quite dejected, though never so valuable, and left to moulder away in heaviness for the superstitious and impossible performance of an ill driv'n bargain? nothing more inviolable then vows made to God, yet we read in *Numbers*, that if a wife had made such a vow, the meer will and authority of her husband might break it; how much more may he break the error of his own bonds with an unfit and mistak'n wife, to the saving of his welfare, his life, yea his faith and vertue from the hazard of over-strong temptations; for if man be Lord of the Sabbath, to the curing of a Fever, can he be lesse then Lord of marriage in such important causes as these?

Eighthly, It is most sure that some ev'n of those who are not plainly defective in body, are yet destitute of all other mariagable gifts; and consequently have not the calling to marry; unlesse nothing be requisite therto but a meer instrumentall body; which to affirm, is to that unanimous Covenant a reproach: yet it is as sure that many such not of their own desire, but by perswasion of friends, or not knowing themselves do often enter into wedlock; where finding the difference at length between the duties of a married life, and the gifts of a single life; what unfitness of mind, what wearisomeness, what scruples and doubts to an incredible offence and displeasure are like to follow between, may be soon imagin'd: whom thus to shut up and immure in an unequall and mischosen match, is not a course that christian wisdom and tendernes ought to use. As for the custom that some parents and guardians have of forcing marriages, it will be better to say nothing of such a savage inhumanity, but only this, that the Law which gives not all freedome of divorce to any creature endu'd with reason so assassinated, is next in cruelty.

Ninthly, I suppose it will be allow'd us that marriage is a human society, and that all human society must proceed from the mind rather then the body, els it would be but a kind of animal or beastish meeting; if the mind therefore cannot have that due company by

mariage, that it may reasonably and humanly desire, that mariage can be no human society, but a certain formalitie, or gilding over of little better then a brutish congresse, and so in very wisdoms and purenes to be dissolv'd.

But mariage is more then human, *the covenant of God*, Pro. 2. 17: therefore man cannot dissolve it. I answer, if it be more then human so much the more it argues the chief society therof to be in the soul rather then in the body, and the greatest breach therof to be unfitness of mind rather then defect of body; for the body can have less affinity in a covenant more then human, so that the reason of dissolving holds good the rather. Again, I answer, that the Sabbath is a higher institution, a command of the first Table, for the breach wherof God hath far more and oftner testify'd his anger then for divorces, which from *Moses* till after the captivity he never took displeasure at, nor then neither, if we mark the Text, and yet as oft as the good of man is concern'd, he not only permits, but commands to break the Sabbath. What covenant more contracted with God, & lesse in mans power then the vow which hath once past his lips? yet if it be found rash, if offensive, if unfruitfull either to Gods glory or the good of man, our doctrine forces not error and unwillingnes irksomely to keep it, but counsels wisdom and better thoughts boldly to break it; therefore to injoyn the indissoluble keeping of a mariage found unfit against the good of man both soul and body, as hath been evidenc't, is to make an Idol of mariage, to advance it above the worship of God and the good of man, to make it a transcendent command, above both the second and the first Table, which is a most prodigious doctrine.

Next, Wheras they cite out of the *Proverbs*, that it is *the covenant of God*, and therefore more then human, that consequence is manifestly false; for so the covenant which *Zedekiah* made with the infidell King of *Babel* is call'd *the covenant of God*, Ezech. 17. 19. which would be strange to hear counted more then a human covenant. So every covenant between man and man, bound by oath, may be call'd the covenant of God, because God therein is attested. So of mariage he is the author and the witness; yet hence will not follow any divine astrictiō more then what is subordinate to the glory of God and the main good of either party; for as the glory of God & their esteemed fitness one for the other, was the motive which led them both at first to think without other revelation that God had joynd them.

them together : So when it shall be found by their apparent unfitness, that their continuing to be man and wife is against the glory of God and their mutuall happines, it may assure them that God never joyn'd them; who hath revel'd his gracious will not to set the ordinance above the man for whom it was ordain'd : not to canonize marriage either as a tyrannesse or a goddesse over the enfranchiz'd life and soul of man ; for wherein can God delight, wherein be worshippt, wherein be glorify'd by the forcible continuing of an improper and ill-yoking couple ; He that lov'd not to see the disparity of severall cattell at the plow, cannot be pleas'd with any vast unmeetnes in marriage. Where can be the peace and love which must invite God to such a house, may it not be fear'd that the not divorcing of such a helples disagreement, will be the divorcing of God finally from such a place ? But it is a triall of our patience they say : I grant it : but which of *Jobs* afflictions were sent him with that law, 'that he might not use means to remove any of them if he could. And what if it subvert our patience and our faith too ? Who shall answer for the perishing of all those souls perishing by stubborn expositions of particular and inferior precepts, against the general and supreme rule of charitie ? They dare not affirm that marriage is either a Sacrament, or a mystery, though all those sacred things give place to man, and yet they invest it with such an awfull sanctity, and give it such adamantine chains to bind with, as if it were to be worshippt like some *Indian* deity, when it can conferre no blessing upon us, but works more and more to our misery. To such teachers the saying of *St. Peter* at the Councell of *Jerusalem* will do well to be apply'd : *Why tempt ye God to put a yoke upon the necks of Christian men, which neither the Jews, Gods ancient people, nor we are able to bear:* and nothing but unwary expounding hath brought upon us. To these considerations this also may be added as no improbable conjecture ; seeing that sort of men who follow *Anabaptism*, *Fanaticism*, *Antinomianism*, and other fanatick dreams, be such most commonly as are by nature addicted to a zeal of Religion, of life also not debauchit, and that their opinions having full swinge, do end in satisfaction of the flesh, it may come with reason into the thoughts of a wise man, whether all this proceed not partly, if not chiefly, from the restraint of some lawfull liberty, which ought to be giv'n men, and is deny'd them. As by Physick we learn in monstrous bodies, where natures current hath been stoppt, that the sut-

focation and upward forcing of some lower part, affects the head and inward sense with dotage and idle fancies. And on the other hand, whether the rest of vulgar men not so religiously professing, doe not give themselves much the more to whoredom and adulteries; loving the corrupt and venial discipline of clergy Courts, but hating to hear of perfect reformation: when as they foresee that then fornication shall be austere censur'd, adultery punish'd, and marriage the appointed refuge of nature, though it hap to be never so incongruous & displeasing, must yet of force be worn out, when it can be to no other purpose but of strife and hatred, a thing odious to God. This may be worth the study of skilful men in *Theology*, & the reason of things: and lastly to examin whether some undue and ill grounded strictnes upon the blameles nature of man be not the cause in those places where already reformation is, that the discipline of the Church so often and so unavoidably brok'n, is brought into contempt and derision. And if it be thus, let those who are still bent to hold this obstinate *literality*, so prepare themselves as to share in the account for all these transgressions; when it shall be demanded at the last day by one who will scanne and sift things with more then a literal wisdom of enquiry; for if these reasons be duely ponder'd, and that the Gospel is more jealous of laying on excessive burdens then ever the Law was, lest the soul of a Christian which is inestimable, should be over-tempted and cast away, considering also that many properties of nature, which the power of regeneration it self never alters, may cause dislike of conversing even between the most sanctify'd, which continually grating in harsh tune together may breed some jarre and discord, and that end in rancor and strife, a thing so opposite both to marriage and to Christianitie, it would perhaps be lesse scandal to divorce a natural disparity, then to link violently together an unchristian dissention, committing two ensnared souls inevitably to kindle one another, not with the fire of love, but with a hatred *inconcilable*, who were they disleverd would be straight friends in any other relation. But if an *alphabetical* servility must be still urg'd, it may so fall out, that the true Church may unwittingly use as much cruelty in forbidding to divorce, as the Church of Antichrist doth wilfully in forbidding to marry.

But what are all these reasonings worth, will some reply, when as the words of Christ are plainly against all divorce, except in case of fornication; let such remember as a thing not to be deny'd, that all
places

places of Scripture wherein just reason of doubt arises from the letter, are to be expounded by considering upon what occasion every thing is set down: and by comparing other Texts. The occasion which induc't our Saviour to speak of divorce, was either to convince the extravagance of the Pharises in that point, or to give a sharp and vehement answer to a tempting question. And in such cases that we are not to repose all upon the literall terms of so many words, many instances will teach us: Wherin we may plainly discover how Christ meant not to be tak'n word for word, but like a wise Physician, administering one excesse against another to reduce us to a perfect mean: Where the Pharises were strict, there Christ seems remisse; where they were too remisse, he saw it needfull to seem most severe: in one place he censures an unchast look to be adultery already committed: another time he passes over actuall adultery with lesse reproof then for an unchast look; not so heavily condemning secret weaknes, as open malice: So heer he may be justly thought to have giv'n this rigid sentence against divorce, not to cut off all remedy from a good man who finds himself cōsuming away in a disconsolate and uninjoy'd matrimony, but to lay a bridle upon the bold abuses of those over-weening Rabbies; which he could not more effectually doe, then by a countersway of restraint, curbing their wild exorbitance almost into the other extreme; as when we bow things the contrary way, to make them come to thir naturall straitnes. And that this was the only intention of Christ is most evident; if we attend but to his own words and protestation made in the same Sermon not many verses before he treats of divorcing, that he came not to abrogate from the Law *one jot or tittle*, and denounces against them that shall so teach. So that the question of divorce following upon this his open profession, must needs confirm us, that what ever els in the politicall Law of more speciall relation to the *Jews*, might cease to us, yet that of those precepts concerning divorce, not one of them was repeal'd by the doctrine of Christ; for if these our Saviours words inveigh against all divorce, and condemn it as adultery, except it be for adultery, and be not rather understood against the abuse of those divorces permitted in the Law, then is that Law of *Moses*, Deut. 24. 1. not only repeal'd & wholly anul'd against the promise of Christ & his known profession, not to meddle in matters judicial, but that which is more strange, the very substance and purpose of that Law is contradicted
and

and convinc't both of injustice & impurity, as having authoriz'd & maintain'd legall adultery by statute. *Moses* also cannot scape to be guilty of unequall and unwise decrees, punishing one act of secret adultery by death, and permitting a whole life of open adultery by Law. And albeit Lawyers write that some politicall Edicts, though not approv'd, are yet allow'd to the scum of the people and the necessity of the times; these excuses have but a weak pulse: for first we read, not that the scoundrel people, but the choicest, the wisest, the holiest of that nation have frequently us'd these laws, or such as these. Secondly, Be it yeelded that in matters not very bad or impure, a human law-giver may slacken something of that which is exactly good, to the disposition of the people and the times: but if the perfect, the pure, the righteous law of God, for so are all his statutes and his judgements, be found to have allow'd smoothly without any certain reprehension, that which Christ afterward declares to be adultery, how can wee free this Law from the horrible endightment of being both impure, unjust, and fallacious. Neither will it serv to say this was permitted for the hardnes of thir hearts, in that sense, as it is usually explain'd, for the Law were then but a corrupt and erroneous School-master, teaching us to dash against a vital maxim of religion, by dooing foul evil in hope of some uncertain good. Wee cannot therefore with safety thus confine the free simplicity of our Saviours meaning to that which meerly amounts from so many letters; when as it can consist neither with his former, and cautionary words, nor with the scope of charity, commanding by his expresse commission in a higher strain. But all rather of necessity must be understood as only against the abuse of that wise and ingenuous liberty which *Moses* gave, and to terrify a roaving conscience from sinning under that pretext.

Others think to evade the matter, by not granting any Law of divorce, but only a dispensation; which is contrary to the words of Christ, who himself calls it a Law *Mark 10. 5*. But I answer, admitting it to be a dispensation, yet this is a certain rule, that so long as the cause remains, the dispensation ought: Let it be shewn therefore either in the nature of the Gospel, or of man, why this dispensation should be made void. The Gospel indeed exhorts to highest perfection; but bears with weakest infirmity more then the Law. The nature of man is as weak, and yet as hard: and that weaknes and hardnes as unfit, and as unteachable to be harshly dealt with as ever.

ever. I but, say they, there is a greater portion of spirit powr'd upon the Gospel which requires perfecter obedience. But that consequence is deceivable; for it is the Law that is the exacter of our obedience ev'n under the Gospel; how can it then exact concerning divorce, that which it never exacted before? The Gospel is a covenant revealing grace, not commanding a new morality, but assuring justification by faith only, contented if we endeavour to square our moral duty by those wise and equal Mosaick rules, which were as perfect as strict and as unpardonable to the *Jews*, as to us; otherwise the law were unjust, giving grace of pardon without the Gospel, or if it give allowance without pardon, it would be dissolute and deceitfull; saying in general, *do this and live*; and yet deceaving and damning with obscure and hollow permissions. Wee find also by experience that the Spirit of God in the Gospel hath been alwaies more effectual in the illumination of our minds to the gift of faith, then in the moving of our wills to any excellence of vertue, either above the *Jews* or the Heathen. Hence those indulgences in the Gospel; *All cannot receive this saying; Every man hath his proper gift*, with strict charges not to lay on yokes which our Fathers could not bear.

But this that *Moses* suffer'd for the hardnes of thir hearts he suffer'd not by that enacted dispensation, farre be it, but by a meer accidental sufferance of undiscover'd hypocrites, who made ill use of that Law; for that God should enact a dispensation for hard hearts to do that wherby they must live in priviledg'd adultery, however it go for the receav'd opinion, I shall ever dissuade my self from so much hardihood as to beleieve: Certainly this is not the manner of God, whose pure eyes cannot behold, much lesse his perfect Laws dispence with such impurity; and if we consider well, we shall finde that all dispensations are either to avoid wors inconveniences, or to support infirm consciences for a time; but that a dispensatiō should be as long liv'd as a Law to tolerate adultery for hardnes of heart, both sins perhaps of like degree, and yet this obdurate disease cannot be conceav'd how it is the more amended by this unclean remedy, is a notion of that extravagance from the sage principles of piety, that who considers thoroughly, cannot but admire, how this hath been digested all this while. What may we doe then to salve this seeming inconsistency? I must not dissemble that I am confident it can be don no other way then this.

Moses, Deut. 24. 1. establish a grave and prudent Law, full of moral equity, full of due consideration towards nature, that cannot be resisted; a Law consenting with the Laws of wisest men and civillest nations. That when a man hath married a wife, if it come to passe he cannot love her by reason of some displeasing natural quality or unfitness in her, let him write her a bill of divorce. The intent of which Law undoubtedly was this, that if any good and peaceable man should discover some helples disagreement or dislike either of mind or body, whereby he could not cheerfully perform the duty of a husband without the perpetual dissembling of offence and disturbance to his spirit, rather then to live uncomfortably and unhappily both to himself and to his wife, rather then to continue undertaking a duty which he could not possibly discharge, he might dismiss her whom he could not tolerably, and so not conscionably retain. And this Law the Spirit of God by the mouth of *Salomon*, *Pro. 30. 21. 23.* testifies to be a good and a necessary Law; by granting it, that to dwell with a hated woman (for *hated* the hebrew word signifies) is a thing that nature cannot endure. What follows then but that Law must remedy what nature cannot undergoe. Now that many licentious and hard-hearted men took hold of this Law to cloak thir bad purposes, is nothing strange to believe. And these were they, not for whom *Moses* made the Law, God forbid, but whose hardnes of heart taking ill advantage by this Law he held it better to suffer as by accident, where it could not be detected, rather then good men should loose their just and lawfull privilege of remedy: Christ therefore having to answer these tempting Pharises, according as his custom was, not meaning to inform their proud ignorance what *Moses* did in the true intent of the Law, which they had ill cited, suppressing the true cause for which *Moses* gave it, and extending it to every slight matter, tells them thir own, what *Moses* was forc't to suffer by their abuse of his Law. Which is yet more plain if wee mark that our Saviour in the fifth of *Matth.* cites not the Law of *Moses*, but the Pharisaical tradition falsly grounded upon that law. And in those other places, *Chap. 19. & Mark. 10.* the Pharises cite the Law, but conceale the wise and human reason there exprest; which our Saviour corrects not in them whose pride deserv'd not his instruction, only returns them what is proper to them; *Moses for the hardnes of your hearts sufferd you, that is, such as you to put away your wives; and to you he wrote this precept for that cause, which*

(to you) must be read with an impression, and understood limitedly of such as cover'd ill purposes under that Law; for it was seasonable that they should hear their own unbounded licence rebuk't, but not seasonable for them to hear a good mans requisit liberty explain'd. And to amaze them the more, because the Pharises thought it no hard matter to fulfill the Law, he draws them up to that unseparable institution which God ordaind in the beginning before the fall when man and woman were both perfect, and could have no cause to separate: just as in the same Chap. he stands not to contend with the arrogant young man who boasted his observance of the whole Law, whether he had indeed kept it or not, but skruces him up higher, to a task of that perfection, which no man is bound to imitate. And in like manner that pattern of the first institution he set before the opinionative Pharises to dazle them and not to bind us. For this is a solid rule that every command giv'n with a reason, binds our obedience no otherwise then that reason holds. Of this sort was that command in *Eden*; *Therefore shall a man cleave to his wife, and they shall be one flesh*: which we see is no absolute command, but with an inference, *Therefore*: the reason then must be first consider'd, that our obedience be not mis-obedience. The first is, for it is not single, because the wife is to the husband *flesh of his flesh*, as in the verse going before. But this reason cannot be sufficient of it self; for why then should he for his wife leave his father and mother, with whom he is farre *more flesh of flesh and bone of bone*, as being made of their substance. And besides it can be but a sorry and ignoble society of life, whose unseparable injunction depends meerly upon flesh & bones. Therefore we must look higher, since Christ himself recalls us to the beginning, and we shall finde that the primitive reason of never divorcing, was that sacred and not vain promise of God to remedy mans loneliness by *making him a help meet for him* though not now in perfection, as at first, yet still in proportion as things now are. And this is repeated *ver. 20.* when all other creatures were fitly associated & brought to *Adam* as if the divine power had bin in some care and deep thought, because *there was not yet found a help meet for man*. And can wee so slightly depreesse the all-wise purpose of a deliberating God, as if his consultat^o had produc'd no other good for man, but to joyn him with an accidentall companion of propagation, which his sudden word had already made for every beast? nay a farre lesse good to man it will be found, if she must at all adventures

be fasten'd upon him individually. And therefore even plain sense and equity, and, which is above them both, the all-interpreting voice of Charity her self cries loud that this primitive reason, this consulted promise of God *to make a meet help*, is the onely cause that gives authority to this command of not divorcing, to be a command. And it might be further added, that if the true definition of a wife were askt in good earnest, this clause of being a *meet help* would shew it self so necessary, and so essential in that demonstrative argument, that it might be logically concluded, therefore shee who naturally & perpetually is no meet help, can be no wife; which cleerly takes away the difficulty of dismissing such a one. Hence is manifest, that so much of the first institution as our Saviour mentions, for he mentions not all, was but to quell and put to nonplus the tempting Pharises; and to lay open their ignorance and shallow understanding of the Scriptures. For, saith he, *have ye not read that he which made them at the beginning, made them male and female, and said, for this cause shall a man cleave to his wife?* which these blind usurpers of *Moses* chair could not gainsay: as if this single respect of male and female were sufficient against a thousand inconveniences and mischiefs to clogge a rational creature to his endles sorrow unrelinquishably. What if they had thus answer'd, Master if thou intend to make wedlock as inseparable as it was from the beginning, let it be made also a fit society, as God intended it, which wee shall soon understand it ought to be, if thou recite the whole reason of the Law. doubtles our Saviour had applauded their just answer. For then they had expounded this command of Paradise, even as *Moses* himself expounds it by his laws of divorce, that is, with due and wise regard had to the premises and reasons of the first command, according to which, without unclean and temporizing permissions he instructs us in this imperfect state what wee may lawfully doe about divorce.

But if it be thought that the Disciples offended at the rigor of Christs answer, could yet obtain no mitigation of the former sentence pronounc'd to the Pharises, it may be fully answer'd, that our Saviour continues the same reply to his Disciples, as men leaven'd with the same customary licence, which the Pharise maintain'd; and displeas'd at the removing of a traditional abuse wherto they had so long not unwillingly bin us'd: it was no time then to contend with their slow and prejudicial belief, in a thing wherein an ordinary mea-

measure of light in Scripture, with some attention might afterwards inform them well enough. After these considerations to take a law out of Paradise giv'n in time of original perfection, and to take it barely without those just and equal inferences and reasons which mainly establish it, nor so much as admitting those needfull & safe allowances wherewith *Moses* himself interprets it to the fallen condition of man, argues nothing in us but rashnes and contempt of those means that God left us in his pure and chaste Law, without which it will not be possible for us to perform the strict imposition of this command: or if we strive beyond our strength, wee shall strive to obey it otherwise then God commands it. And lamented experience daily teaches the bitter and vain fruits of this our presumption, forcing men in a thing wherein wee are not able to judge either of their strength, or their sufferance. Whom neither one vice nor other by naturall addiction, but only marriage ruins, which doubtles is not the fault of that ordinance, for God gave it as a blessing, nor always of mans mis-choosing; it beeing an error above wisdom to prevent, as examples of wisest men so mistaken manifest: it is the fault therefore of a pervers opinion that will have it continu'd in despite of nature and reason, when indeed it was never truly joynd. All those expositors upon the fifth of *Mat.* confesse the Law of *Moses* to be the Law of the Lord, wherein no addition or diminution hath place, yet coming to the point of divorce, as if they fear'd not to be call'd left in the kingdom of heav'n, any slight evasion will content them to reconcile those contradictions which they make between Christ and *Moses*, between Christ and Christ.

Some will have it no Law, but the granted premises of another Law following, contrary to the words of Christ *Mark 10. 5.* and all other translations of gravest authority, who render it in form of a Law; agreeable to *Malach. 2. 16.* as it is most anciently and modernly expounded. Besides the bill of divorce declares it to be orderly & legal. And what avails this to make the matter more righteous, if such an adulterous condition shall be mention'd to build a Law upon without either punishment or so much as forbidding, they pretend it is implicitly reprov'd in these words, *Dent. 24. 4.* after she is defil'd; but who sees not that this defilement is only in respect of returning to her former husband after an intermixt marriage; eis why was not the defiling condition first forbidden, which

would have sav'd the labour of this after law ; nor is it seemly or piously attributed to the justice of God and his known hatred of sin, that such a hainous fault as this through all the Law should be only wip't with an implicit and oblique touch (which yet is falsly suppos'd) & that his peculiar people should be let wallow in adulterous mariages almost two thousand yeares for want of a direct Law to prohibit them ; tis rather to be confidently assum'd that this was granted to apparent necessities, as being of unquestionable right and reason in the Law of nature, in that it still passes without inhibition, ev'n when greatest cause is giv'n us to expect it should be directly forbidd'n. But it was not approv'd, so much the wors that it was allow'd, as if sin had over-masterd the law of God, to conform her steddly and strait rule to sins crookednes, which is impossible. Besides, what needed a positive grant of that which was not approv'd ? it restrain'd no liberty to him that could but use a little fraud, it had bin better silenc't, unlesse it were approv'd in some case or other. Can wee conceive without vile thoughts, that the majesty and holines of God could endure so many ages to gratifie a stubborn people in the practice of a foul polluting sin, and could he expect they should abstain, he not signifying his mind in a plain command, at such time especially when he was framing their laws and them to all possible perfection ? But they were to look back to the first institution, nay rather why was not that individual institution brought out of Paradise, as was that of the Sabbath, and repeated in the body of the Law, that men might have understood it to be a command ? for that any sentence that bears the resemblance of a precept, set there so out of place in another world at such a distance from the whole Law, and not once mention'd there, should be an obliging command to us, is very disputable, and perhaps it might be deny'd to be a command without further dispute: however, it commands not absolutely, as hath bin clear'd, but only with reference to that precedent promise of God, which is the very ground of his institution ; if that appeare not in some tolerable sort, how can wee affirm such a matrimony to be the same which God instituted ! In such an accident it will best behove our sobernes to follow rather what moral *Sinai* prescribes equal to our strength, then fondly to think within our strength all that lost Paradise relates.

Another while it shall suffice them, that it was not a moral but a judicial Law, and so was abrogated. Nay rather was not abrogated because

because judicial; which Law the ministry of Christ came not to deale with. And who put it in mans power to exempt, where Christ speaks in general of not abrogating *the least jot or tittle*, & in special not that of divorce, because it follows among those Laws which he promis'd expressly not to abrogate, but to vindicate from abusive traditions. And if we mark the 31. *ver.* of *Mat.* the 5. he there cites not the Law of *Moses*, but the licentious Glosse which traduc't the Law; that therefore which he cited, that he abrogated, and not only abrogated but disallow'd and flatly condemn'd, which could not be the Law of *Moses*; for that had bin foully to the rebuke of his great servant. To abrogate a Law made with Gods allowance, had bin to tell us only that such a Law was now to cease, but to refute it with an ignominious note of civilizing adultery, casts the reproof, which was meant only to the Pharises, ev'n upō him who made the Law. But yet if that be judicial which belongs to a civil Court, this Law is lesse judicial then nine of the ten Commandements; for antiquaries affirm that divorces proceeded among the *Jews* without knowledge of the Magistrate, only with hands and seales under the testimony of some Rabbies to be then present. And it was indeed a pure moral *economical* Law, too hastily imputed of tolerating sin; being rather so clear in nature and reason, that it was left to a mans own arbitrement to be determin'd between God and his own conscience. And that power which Christ never took from the master of family, but rectify'd only to a right and wary use at home, that power the undiscerning Canonist hath improperly usurpt into his Court-lect, and bescribb'd with a thousand trifling impertinencies, which yet have fill'd the life of man with serious trouble and calamity. Yet grant it were of old a judicial Law, it need not be the lesse moral for that, being conversant, as it is, about vertue or vice. And our Saviour disputes not heer the judicature, for that was not his office, but the morality of divorce, whether it be adultery or no; if therefore he touch the law of *Moses* at all, he touches the moral part therof; which is absurd to imagine that the covenant of grace should reform the exact and perfect law of works, eternal and immutable; or if he touch not the Law at all, then is not the allowance therof disallow'd to us.

Others are so ridiculous as to allege that this licence of divorcing was giv'n them because they were so accustom'd in Egypt. As if an ill custom were to be kept to all posterity; for the dispensation is
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both universal and of time unlimited; and so indeed no dispensation at all; for the over-dated dispensation of a thing unlawfull, serves for nothing but to encrease hardnes of heart; and makes men but wax more incorrigible, which were a great reproach to be said of any Law or allowance that God should give us. In these opinions it would be more Religion to advise well, lest wee make our selves juster then God, by censuring rashly that for sin which his unspotted Law without rebuke allows, and his people without being conscious of displeasing him have us'd. And if we can think so of *Moses*, as that the Jewish obstinacy could compell him to write such impure permissions against the rule of God & his own judgement, doubtles it was his part to have protested publickly what straits he was driv'n to, and to have declar'd his conscience when he gave any Law against his minde; for the Law is the touch-stone of sin and of conscience, must not be intermixt with corrupt indulgences; for then it looses the greatest praise it has, of being certain and infallible, not leading into error, as all the *Jews* were led by this connivence of *Moses*, if it were a connivence. But still they fly back to the primitive institution, and would have us re-enter Paradise against the sword that guards it. Whom I again thus reply to, that the place in *Genesis* contains the description of a fit and perfect marriage, with an interdict of ever divorcing such a union; but where nature is discover'd to have never joyn'd indeed, but vehemently seeks to part, it cannot be there conceay'd that God forbids it; nay he commands it both in the Law and in the Prophet *Malachy*, which is to be our rule. And *Perkins* upon this chap. of *Mat.* deals plainly that our Saviour heer confutes not *Moses* Law, but the false glosses that deprav'd the Law; which being true, *Perkins* must needs grant, that something then is left to that law which Christ found no fault with; and what can that be but the conscionable use of such liberty as the plain words import? So that by his own inference, Christ did not absolutely intend to restrain all divorces to the only cause of adultery. This therefore is the true scope of our Saviours will, that he who looks upon the Law concerning divorce, should look also back upon the first institution, that he may endeavour what is perfectest: and he that looks upon the institution should not refuse as sinfull and unlawfull those allowanees which God affords him in his following Law; lest he make himself purer then his maker; and presuming above strength, slip into temptations irrecoverably. For this

is wonderfull, that in all those decrees concerning mariage, God should never once mention the prime institution to dissuade them from divorcing; and that he should forbid smaller sins as opposite to the hardnes of their hearts, and let this adulterous matter of divorce passe ever unprov'd. This is also to be marvell'd at, that seeing Christ did not condemn whatever it was that *Moses* suffer'd, and that therupon the Christian Magistrate permits usury and open stews, & heer with us adultery to be so slightly punisht, which was punisht by death to these hard-hearted *Jews*, why wee should strain thus at the matter of divorce, which may stand so much with charity to permit, and make no scruple to allow usury, esteem'd to be so much against charity. But this it is to embroile our selves against the righteous and all wise judgements and statutes of God; which are not variable and contrarious, as wee would make them, one while permitting and another while forbidding, but are most constant and most harmonious each to other. For how can the uncorrupt and majestick law of God, bearing in her hand the wages of life and death, harbour such a repugnance within her self, as to require an unexempted and impartial obedience to all her decrees, either from us or from our Mediator, and yet debase her self to faulter so many ages with circumcis'd adulteries, by unclean and flubbing permissions.

Yet *Beza's* opinion is that a politick law, but what politick law I know not, unlesse one of *Matchiavel's*, may regulate sin; may bear indeed, I grant, with imperfection for a time, as those Canons of the Apostles did in ceremonial things: but as for sin, the essence of it cannot consist with rule; and if the law fall to regulate sin, and not to take it utterly away, it necessarily confirms and establishes sin. To make a regularity of sin by law, either the law must straiten sin into no sin, or sin must crook the law into no law. The judicial law can serve to no other end then to be the protector and champion of Religion and honest civility, as is set down plainly *Rom. 13.* and is but the arme of moral law, which can no more be separate from Justice then Justice from vertue: their office also in a different manner steares the same cours; the one teaches what is good by precept, the other unteaches what is bad by punishment. But if we give way to politick dispensations of lewd uncleannesse, the first good consequence of such a relaxe will be the justifying of papal stews, joyn'd with a toleration of epidemick whordom. Justice must revolt from
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the end of her authority, and become the patron of that wherof she was created the punisher. The example of usury, which is commonly alleg'd makes against the allegation which it brings, as I touch'd before. Besides that usury, so much as is permitted by the Magistrate, and demanded with common equity, is neither against the word of God, nor the rule of charity, as hath been often discus't by men of eminent learning and judgement. There must be therefore some other example found out to shew us wherein civil policy may with warrant from God settle wickednes by law, & make that lawfull which is lawlesse. Although I doubt not but upon deeper consideration, that which is true in Physick, will be found as true in polity: that as of bad pulses those that beat most in order, are much wors then those that keep the most inordinate circuit, so of popular vices those that may be committed legally, will be more pernicious then those which are left to their own cours at peril, not under a stinted priviledge to sin orderly and regularly, which is an implicit contradiction, but under due and fearles execution of punishment. The political law, since it cannot regulate vice, is to restrain it, by using all means to root it out: but if it suffer the weed to grow up to any pleasurable or contented high upon what pretext soever, it fastens the root, it prunes and dresses vice, as if it were a good plant. Lastly, if divorce were granted, as he sayes, not for men, but to release afflicted wives, certainly it is not only a dispensation, but a most mercifull Law: and why it should not yet be in force, beeing wholly a needfull, I know not what can be in cause but senselesse cruelty. Esteeming therefore to have asserted thus an injur'd law of *Moses* from the unwarranted and guilty name of a dispensation, to be again a most equall and requisite law, wee have the word of Christ himself, that he came not to alter the least tittle of it; and signifies no small displeasure against him that shall teach to doe so. On which relying, I shall not much waver to affirm that those words which are made to intimate, as if they forbad all divorce but for adultery (though *Moses* have constituted otherwise) those words tak'n circumscriptly, without regard to any precedent law of *Moses* or attestation of Christ himself, or without care to preserve those his fundamental and superior laws of nature and charitie, to which all other ordinances give up their seals, are as much against plain equity, and the mercy of religion, as those words of *Take, eat, this is my body*, elementally understood, are against nature and sense.

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And surely the restoring of this degraded law, hath well recompenc't the diligence was us'd, by enlightning us further to finde out wherefore Christ took off the Pharises from alleging the law, and refer'd them to the first institution, not condemning, altering, or abolishing this precept of divorce, which is plainly moral, for that were against his truth, his promise, and his prophetick office; but knowing how fallaciously they had cited, and conceal'd the particular and natural reason of the law, that they might justify any forward reason of their own, he lets goe that sophistry unconvinc't, for that had bin to teach them els, which his purpose was not. And since they had tak'n a liberty which the law gave not, he amuses & repells their tempting pride with a perfection of paradise, which the law requir'd not; not thereby to oblige our performance to that wherto the law never enjoyn'd the fal'n estate of man; for if the first institution must make wedlock, whatever happen, inseparable to us, it must make it also as perfect, as meetly helpfull, and as comfortable as God promis'd it should be, at least in some degree, otherwise it is not equal or proportionable to the strength of man, that he should be reduc't into such indissoluble bonds to his assured misery, if all the other conditions of that covenant be manifestly alter'd.

Next he saith, *they must be one flesh*, which, when all conjecturing is don, will be found to import no more but only to make legitimate and good the carnal act, which els might seem to have something of pollution in it: And inferrs thus much over, that the fit union of their souls be such as may even incorporate them to love and amity; but that can never be where no correspondence is of the minde; nay instead of beeing one flesh, they will be rather two carcases chain'd unnaturally together; or as it may happ'n, a living soule bound to a dead corps, a punishment too like that inflicted by the tyrant *Mezentius*; so little worthy to be receav'd as that remedy of loneliness which God meant us. Since wee know it is not the joyning of another body will remove loneliness, but the uniting of another compliable mind; and that it is no blessing but a torment, nay a base and brutish condition to be one flesh, unlesse where nature can in some measure fix a unity of disposition.

Lastly, Christ himself tells us who should not be put asunder, namely, those whom God hath joyn'd. A plain solutiō of this great controversie, if men would but use their eyes; for when is it that God may be said to joyn, when the parties and their friends con-

sent? No surely; for that may concur to leudest ends, or is it when Church-rites are finisht? Neither; for the efficacy of those depends upon the presupposed fitnes of either party. Perhaps after carnal knowledge? lest of all: for that may joyn persons whom neither law nor nature dares joyn; tis left, that only then, when the minds are fitly dispos'd, and enabl'd to maintain a cherfull conversation, to the solace and love of each other, according as God intended and promis'd in the very first foundation of matrimony, *I will make him a help meet for him*; for surely what God intended and promis'd, that only can be thought to be of his joyning, and not the contrary. So likewise the Apostle witnesseth *1 Cor. 7. 15.* that in mariage God hath call'd us to peace. And doubtles in what respect he hath call'd us to mariage, in that also he hath joyn'd us. The rest whom either disproportion or deadnes of spirit, or something distastfull & avers in the immutable bent of nature renders uncōjugal, error may have joyn'd; but God never joyn'd against the meaning of his own ordinance. And if he joynd them not, then is there no power above their own consent to hinder them from unjoyning; when they cannot reap the soberest ends of beeing together in any tolerable sort. Neither can it be said properly that such twain were ever divorc'd, but onely parted from each other, as two persons unconjunctive, and unmariable together. But if, whom God hath made a fit help, frowardnes or private injuries have made unfit, that beeing the secret of mariage God can better judge then man, neither is man indeed fit or able to decide this matter; however it be, undoubtedly a peacefull divorce is a lesse evil and lesse in scandal then a hatefull hard-hearted and destructive continuance of mariage in the judgement of *Moses*, and of Christ, that justifies him in choosing the lesse evil, which if it were an honest & civil prudence in the law, what is there in the Gospel forbidding such a kind of legal wisdom, though wee should admit the common Expoliter.

Having thus unfoulded those ambiguous reasons, wherewith Christ, as his wont was, gave to the Pharisees that came to sound him, such an answer as they deserv'd, it will not be uneasie to explain the sentence it self that now follows, *Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery.* First therefore I will set down what is observ'd by *Grotius* upon this point, a man of general learning. Next I produce what mine own thoughts gave me, before I had seen his annotations. *Origen*, saith he,

he, notes that Christ nam'd adultery rather as one example of other like cases, then as one only exception. And that it is frequent not only in human but in divine Laws to expresse one kind of fact, wherby other causes of like nature may have the like plea: as *Exod. 21. 18, 19, 20, 26. Deut. 19. 5.* And from the maxims of civil Law he shews that ev'n in sharpest penal laws, the same reason hath the same right: and in gentler laws, that from like causes to like the Law interprets rightly. But it may be objected, saith he, that nothing destroys the end of wedlock so much as adultery. To which he answers that mariage was not ordain'd only for copulation, but for mutual help and comfort of life; and if we mark diligently the nature of our Saviours commands, wee shall finde that both their beginning and their end consists in charity: whose will is that wee should be good to others, as that wee be not cruel to our selves. And hence it appears why *Mark* and *Luke* and *S^t. Paul* to the *Cor.* mentioning this precept of Christ, adde no exception; because exceptions that arise from natural equity are included silently under general terms: it would be consider'd therefore whether the same equity may not have place in other cases lesse frequent. Thus farre he. From hence, is what I adde: first, that this saying of Christ, as it is usually expounded, can be no law at all, that man for no cause should separate but for adultery, except it be a supernatural law, not binding us, as wee now are: had it bin the law of nature, either the *Jews*, or some other wise and civil Nation would have pres't it: or let it be so; yet that law *Deut. 24. 1.* wherby a man hath leave to part, whenas for just and natural cause discover'd he cannot love, is a law ancienter, and deeper ingrav'n in blameles nature then the other: therefore the inspired Law-giver *Moses* took care that this should be specify'd and allow'd: the other he let vanish in silence, not once repeated in the volume of his law, ev'n as the reason of it vanisht with Paradise. Secondly, this can be no new command, for the Gospel enjoyns no new morality, save only the infinit enlargement of charity, which in this respect is call'd the *new Commandment* by *S^t. John*; as being the accomplishment of every command. Thirdly, It is no command of perfection further then it partakes of charity, which is *the bond of perfection*. Those commands therefore which compell us to self-cruelty above our strength, so hardly will help forward to perfection, that they hinder & tet backward in all the common rudiments of Christianity; as was prov'd. It being thus

clear, that the words of Christ can be no kind of command, as they are vulgarly tak'n, wee shall now see in what sense they may be a command, and that an excellent one, the same with that of *Moses*, and no other. *Moses* had granted that only for a natural annoyance, defect, or dislike, whether in body or mind, (for so the Hebrew words plainly note) which a man could not force himself to live with, he might give a bill of divorce; therby forbidding any other cause wherein amendment or reconciliation might have place. This law the Pharises depraving, extended to any slight contentious cause whatsoever. Christ therefore seeing where they halted, urges the negative part of that law, which is necessarily understood (for the determinate permission of *Moses* binds them from further licence) and checking their supercilious drift, declares that no accidental, temporary, or reconcilable offence, except fornication, can justify a divorce: he touches not heer those natural and perpetual hindrances of society, which are not to be remov'd: for such, as they are aptest to cause an unchangeable offence, so are they not capable of reconciliation, because not of amendment. Thus is *Moses* law heer solidly confirm'd; and those causes which he permitted, not a jot gainsaid. And that this is the true meaning of this place, I prove also by no lesse an Author then *S. Paul* himself, *1 Cor. 7. 10, 11.* upon which text Interpreters agree, that the Apostle only repeats the precept of Christ: where while he speaks of *the wives reconciliation to her husband*, he puts it out of controversie, that our Saviour meant only matters of strife and reconciliation; of which sort he would not that any difference should be the occasion of divorce, except fornication.

But because wee know that Christ never gave a judicial law, and that the word *fornication* is variously significant in Scripture, it will be much right don to our Saviours words, to consider diligently, whether it be meant heer, that nothing but actual fornicatiō, prov'd by witnes, can warrant a divorce; for so our Canon Law judges. Nevertheless, as I find that *Grotius* on this place hath observ'd, the Christian Emperours, *Theodosius* the second, and *Iustinian*, men of high wisdom and reputed piety, decree'd it to be a divorfive fornication, if the wife attempted either against the knowledge, or obstinately against the will of her husband, such things as gave open suspicion of adulterizing; as the wilfull haunting of feasts, and invitations with men not of her neer kindred, the lying forth of her hous without

without probable cause, the frequenting of Theaters against her husbands mind, her endeavour to prevent, or destroy conception. Hence that of *Jerom*, *Where fornication is suspected, the wife may lawfully be divorc'd*; not that every motion of a jealous mind should be regarded, but that it should not be exacted to prove all things by the visibility of Law-witnessing, or els to hood-wink the mind: for the Law is not able to judge of these things but by the rule of equity, and by permitting a wise man to walk the middle-way of a prudent circumspection, neither wretchedly jealous, nor stupidly and tamely patient. To this purpose hath *Grotius* in his notes. He shews also that fornication is tak'n in Scripture for such a continual headstrong behaviour, as tends to plain contempt of the husband: and proves it out of *Judges* 19. 2. where the Levites wife is said to have playd the whoor against him; which *Josephus* and the *Septuagint*, with the *Chaldean*, interpret only of stubbornnes and rebellion against her husband: and to this I adde that *Kimchi* and the two other Rabbies who glosse the text, are in the same opinion. *Ben Gersom* reasons that had it bin whoordom a Jew and a Levite would have disdain'd to fetch her again. And this I shall contribute, that had it bin whoordom she would have chosen any other place to run to, then to her fathers house, it being so infamous for an hebrew woman to play the harlot, and so opprobrious to the parents. Fornication then in this place of the *Judges*, is understood for stubborn disobedience against the husband, and not for adultery. A sin of that sudden activity, as to be already committed, when no more is don, but only lookt unchastly: which yet I should be loath to judge worthy a divorce, though in our Saviours language it be call'd adultery. Nevertheless, when palpable and frequent signes are giv'n, the law of God *Num.* 5. so far gave way to the jealousy of a man, as that the woman set before the Sanctuary with her head uncover'd, was adjut'd by the Priest to swear whether she were fals or no; and constrain'd to drink that bitter water with an undoubted curse of rottennesse, and tympany to follow, un'esse she were innocent. And the jealous man had not bin guilties before God, as seems by the last ver. if having such a suspicion in his head he should neglect this trial, which, if to this day it be not to be us'd, or be thought as uncertain of effect, as our antiquated law of *Ordalium* yet all equity will judge that many adulterous demeanors which are of lewd suspicion and example, may be held sufficient to incurre a divorce; though the act
it

it self hath not bin prov'd. And seeing the generosity of our Nation is so, as to account no reproach more abominable, then to be nicknam'd the husband of an adultresse, that our law should not be as ample as the law of God to vindicate a man from that ignoble sufferance, is our barbarous unskilfulness, not considering that the law should be exasperated according to our estimation of the injury. And if it must be suffer'd till the act be visibly prov'd, *Salomon* himself whose judgement will be granted to surpass the acutenes of any Canonist, confesses *Prov. 30. 19, 20.* that for the act of adultery, it is as difficult to be found as the *track of an Eagle in the air, or the way of a ship in the Sea*: so that a man may be put to unmanly indignities, ere it be found out. This therefore may be enough to inform us that divorfive adultery is not limited by our Saviour to the utmost act, and that to be attested always by eye-witnesse: but may be extended also to divers obvious actions, which either plainly lead to adultery, or give such presumption wherby sensible men may suspect the deed to be already don. And this the rather may be thought, in that our Saviour chose to use the word *fornication*, which word is found to signify other matrimonial transgressions of main breach to that Covenant besides actual adultery. Thus at length wee see both by this and by other places, that there is scarce any one saying in the Gospel, but must be read with limitations and distinctions, to be rightly understood; for Christ gives no full comments or continu'd discourses, but scatters the heavenly grain of his doctrine like pearle heer and there, which requires a skilfull and laborious gatherer; who must compare the words he finds, with other precepts, with the end of every ordinance, and with the general analogy of Evangelick doctrine: otherwise many particular sayings would be but strange repugnant riddles; & the Church would offend in granting divorce for frigidity, which is not heer excepted with adultery, but by them added. And this was it undoubtedly which gave reason to *St. Paul* of his own authority, as he professes, and without command from the Lord, to enlarge the seeming construction of those places in the Gospel, by adding a case wherein a person deserted which is something lesse then divorc't, may lawfully marry again. And having declar'd his opinion in one case, he leavs a furdher liberty for christian prudence to determin in cases of like importance; using words so plain as are not to be shifted off, *that a brother or a sister is not under bondage in such cases*; adding also, that
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God hath call'd us to peace in mariage. Now if it be plain that a Christian may be brought into unworthy *bondage*, and his religious *peace* not only interrupted now and then, but perpetually and finally hinderd in wedlock by mis-yoking with a diversity of nature as well as of religion, the reasons of *St Paul* cannot be made special to that one case of infidelity, but are of equal moment to a divorce wherever Christian liberty and peace are without fault equally obstructed. That the ordinance which God gave to our comfort, may not be pinn'd upon us to our undeserved thralldom; to be coop't up as it were in mockery of wedlock, to a perpetual betrothed lonelines and discontent, if nothing wors ensue. There beeing nought els of marriage left between such, but a displeasing and forc't remedy against the sting of a brute desire; which fleshly accustoming without the souls union and commixture of intellectual delight, as it is rather a soiling then a fulfilling of marriage-rites, so is it anough to imbase the mettle of a generous spirit, and sinks him to a low and vulgar pitch of endeavour in all his actions, or, which is wors, leavs him in a despairing plight of abject and hard'n'd thoughts: which condition, rather then a good man should fall into, a man usefull in the service of God and mankind, Christ himself hath taught us to dispence with the most sacred ordinances of his worship; even for a bodily healing to dispence with that holy & speculative rest of Sabbath; much more then with the erroneous observance of an ill-knotted mariage for the sustaining of an overcharg'd faith and perseverance.

And though bad causes would take licence by this pretext, if that cannot be remedied, upon their conscience be it, who shall so doe. This was that hardnes of heart, & abuse of a good law which *Moses* was content to suffer rather then good men should not have it at all to use needfully. And he who to run after one lost sheep left ninety nine of his own flock at random in the Wildernes, would little perplex his thought for the obduring of nine hunder'd and ninety such as will daily take wors liberties whether they have permission or not. To conclude, as without charity God hath giv'n no commandment to men, so without it, neither can men rightly beleve any commandment giv'n. For every act of true faith, as well that wherby we beleve the law, as that wherby wee endeavour the law is wrought in us by charity: according to that in the divine hymne of *St. Paul*, 1 Cor, 13. *Charity beleeveth all things*: not as if she were

so credulous, which is the exposition hitherto current, for that were a trivial praise, but to teach us that charity is the high governess of our belief, and that wee cannot safely assent to any precept writt'n in the Bible, but as charity commends it to us. Which agrees with that of the same Apostle to the *Ephes.* 4. 14, 15. where he tels us that the way to get a sure undoubted knowledge of things, is to hold that for truth, which accords most with charity. Whose unerring guidance and conduct having follow'd as a loadstarre with all diligence and fidelity in this question, I trust, through the help of that illuminating Spirit which hath favor'd me, to have don no every daies work : in asserting after many ages the words of Christ with other Scriptures of great concernment from burdenson & remorseles obscurity, tangl'd with manifold repugnances, to their native lustre and consent between each other: heerby also dissolving tedious and *Gordian* difficulties, which have hitherto molested the Church of God, and are now decided not with the sword of *Alexander*, but with the immaculate hands of charity, to the unspeakable good of Christendom. And let the extrem literalist sit down now & revolve whether this in all necessity be not the due result of our Saviours words : or if he persist to be otherwise opinion'd, let him well advise, lest thinking to gripe fast the Gospel, he be found instead with the canon law in his fist : whose boistrous edicts tyrannizing the blessed ordinance of mariage into the quality of a most unnatural and unchristianly yoke, have giv'n the flesh this advantage to hate it, & turn aside, oft-times unwillingly, to all dissolute uncleanness, even till punishment it self is weary and overcome by the incredible frequency of trading lust, and uncontroll'd adulteries. Yet men whose Creed is custom, I doubt not but will be still endeavouring to hide the sloth of thir own timorous capacities with this pretext, that for all this tis better to endure with patience and silence this affliction which God hath sent And I agree tis true ; if this be exhorted and not enjoyn'd ; but withall, it will be wisely don to be as sure as may be, that what mans iniquity hath laid on, be not imputed to Gods sending ; least under the colour of an affected patience wee detain our selves at the gulphs mouth of many hideous temptations, not to be withstood without proper gifts, which as *Perkins* well notes, God gives not ordinarily, no not to most earnest prayers. Therefore wee pray, *Lead us not into temptation*, a vain prayer, if having led our selves thither, wee love to stay in that perilous condition.

condition. God sends remedies, as well as evils ; under which he who lies and groans, that may lawfully acquitt himself, is accessory to his own ruin : nor will it excuse him, though he suffer, through a sluggish fearfulness to search thoroughly what is lawfull, for feare of disquieting the secure falsity of an old opinion. Who doubts not but that it may be piously said to him who would dismiss frigidity, bear your trial, take it as if God would have you live this life of continence : if he exhort this, I hear him as an Angel, though he speak without warrant : but if he would compell me, I know him for Satan. To him who divorces an adulteresse, Piety might say ; Pardon her ; you may shew much mercy, you may win a soul : yet the law both of God & man leavs it freely to him. For God loves not to plow out the heart of our endeavours with over-hard and sad tasks. God delights not to make a drudge of vertue, whose actions must be all elective and unconstrain'd. Forc't vertue is as a bolt overshot, it goes neither forward nor backward, & does no good as it stands. Seeing therefore that neither Scripture nor reason hath laid this unjust austerity upon divorce, we may resolv that nothing els hath wrought it, but that letter-bound servility of the Canon Doctors, supposing marriage to be a Sacrament, and out of the art they have to lay unnecessary burdens upon all men, to make a fair shew in the fleshly observance of matrimony, though peace & love with all other conjugal respects fare never so ill. And indeed the Papists who are the strictest forbidders of divorce, are the easiest libertines to admit of grossest uncleanness ; as if they had a designe by making wedlock a supportles yoke, to violate it most, under colour of preserving it most inviolable, and with all delighting, as their mystery is, to make men the day-labourers of their own affliction ; as if there were such a scarcety of miseries from abroad, that wee should be made to melt our choicest home-blessings, and coin them into crosses, for want wherby to hold commerce with patience. If any therefore who shall hap to read this discours, hath bin through misadventure ill ingag'd in this contracted evill heer complain'd of, and finds the fits and workings of a high impatience frequently upon him, of all those wild words which men in misery think to ease themselves by uttering, let him not op'n his lips against the providence of heav'n, or tax the waies of God and his divine Truth ; for they are equal, easy, and not burdensome ; nor do they ever crosse the just and reasonable desires of men, nor involve this our portion

of mortall life, into a necessity of sadnes and malecontent, by Laws commanding over the unreducible *antipathies* of nature sooner or later found : but allow us to remedy and shake off those evils into which human error hath led us through the midst of our best intentions; and to support our incident extremities by that authentick precept of sovrain charity; whose grand Commission is to doe and to dispose over all the ordinances of God to man; that love & truth may advance each other to everlasting. While we literally superstitious through customary faintnes of heart, not venturing to peirce with our free thoughts into the full latitude of nature and religion, abandon our selves to serv under the tyranny of usurpt opinions, suffering those ordinances which were allotted to our solace and reviving, to trample over us and hale us into a multitude of sorrows which God never meant us. And where he set us in a fair allowance of way with honest liberty and prudence to our guard, wee never leave subtilizing and casuisting till wee have straitn'd and par'd that liberal path into a razors edgeto walk on between a precipice of unnecessary mischief on either side : and starting at every fals alarum, wee doe not know which way to set a foot forward with manly confidence and Christian resolution, through the confused ringing in our ears, of *panick* scruples and amazements.

Another act of papal encroachment it was, to pluck the power & arbitrement of divorce from the master of family, into whose hands God & the law of all Nations had put it, & Christ so lett it, preaching only to the conscience, and not authorizing a judiciall Court to trosse about and divulge the unaccountable and secret reasons of disaffection between man & wife, as a thing most improperly answerable to any such kind of trial. But the Popes of *Rome* perceiving the great revenu and high authority it would give them, ev'n over Princes, to have the judging and deciding of such a main consequence in the life of man as was divorce, wrought so upon the superstition of those ages, as to devest them of that right which God from the beginning had entrusted to the husband: by which means they subjected that ancient and naturally domestick prerogative to an external & unbecoming judicature. For although differences in divorce about dowries, jointures, and the like, besides the punishing of adultery, ought not to passe without referring, if need be, to the Magistrate, yet for him to interpose his jurisdictional power upon the inward and irremediable disposition of man, to command love and
Sympathy,

sympathy, to forbid dislike against the guiltles instinct of nature, is not within the province of any law to reach, & were indeed an uncommodious rudenes, not a just power. For if natures resistles sway in love or hate be once compell'd, it grows careles of it self, vitious, useles to friend, unserviceable and spiritles to the Common-wealth. W^{ch} *Moses* rightly foresaw, and all wise Lawgivers that ever knew man, what kind of creature he was. The Parliament also and *Clergy of England* were not ignorant of this, when they consented that *Harry the 8th* might put away his *2. Anne of Cleve*, whom he could not like, after he had bin wedded half a year; unless it were that contrary to the Proverb, they made a necessity of that which might have bin a vertu in them to do. For ev'n the freedom and eminence of mans creation gives him to be a Law in this matter to himself, beeing the head of the other sex which was made for him: whom therefore though he ought not to injure, yet neither should he be forc't to retain in society to his own overthrow, nor to hear any judge therin above himself. It being also an unseemly affront to the sequester'd & vail'd modesty of that sex, to have her unpleasingnes and other concealements bandied up and down, and aggravated in open Court by those hir'd maisters of tongue-fence. Such uncomely exigences it befell no lesse a Majesty then *Henry th 8th* to be reduc't to; who finding just reason in his conscience to forgoe his brothers wife, after many indignities of beeing deluded, and made a boy of by those his two *cardinal* Judges, was constrain'd at last for want of other prooff, that shee had bin carnally known by *Prince Arthur*, ev'n to uncover the nakednes of that vertuous Lady, & to recite openly the obscene evidence of his brothers chāberlain. Yet it pleas'd God to make him see all the tyranny of *Rome*, by discovering this which they exercis'd over divorcē; and to make him the beginner of a reformation to this whole Kingdom by first asserting into his *familiar* power the right of just divorce. Tis true, an adultres cannot be sham'd anough by any publick proceeding; but that woman whose honour is not appeach't, is lesse injur'd by a silent dismission, being otherwise not illiberally dealt with, then to endure a clamouring debate of utterles things, in a busines of that civil secrecy and difficult discerning, as not to be over-much question'd by neereft friends. Which drew that answer from the greatest and worthiest *Roman* of his time *Paulus Emilius*, beeing demanded why he would put away his wife for no visible reason, *This Shoo*, saith he, and held

it out on his foot, *is a neat shoo, a new shoo, and yet none of yee know where it wrings me?* much lesse by the unfamiliar cognisance of a fee'd gamester can such a private difference be examin'd, neither ought it.

Lastly, All law is for some good that may be frequently attain'd without the admixture of a wors inconvenience; but the Law forbidding divorce, never attains to any good end of such prohibition, but rather multiplies evil. If it aim at the establishment of matrimony, wee know that cannot thrive under a loathed and forc't yoke, but is daily violated: if it seek to prevent the sin of divorcing, that lies not in the law to prevent; for he that would divorce and marry again, but for the law, hath in the sight of God don it already. Civil or political sin it never was, neither to Jew nor Gentile, nor by any judicial intendment of Christ, only culpable as it transgresses the allowance of *Moses* in the inward man, which not any law but conscience only can evince. The law can only look whether it be an injury to the divorc'd, which in truth it can be none, as a meer separation; for if she consent, wherein has the law to right her? or consent not, then is it either just and so deserv'd, or if unjust, such in all likelihood was the divorcer, and to part from an unjust man is a happines, & no injury to be lamented. But suppose it be an injury, the Law is not able to amend it, unlesse she think it other then a miserable redresse to return back from whence she was expell'd, or but entreated to be gon, or els to live apart still married without marriage, a married widow. Last, if it be to chast'n the divorcer, what law punishes a deed which is not moral, but natural, a deed which cannot certainly be found to be an injury, or how can it be punisht by prohibiting the divorce, but that the innocent must equally partake? So that wee see the Law can to no rational purpose forbid divorce, it can only take care that the conditions of divorce be not injurious. But what? Shall then the disposal of that power return again to the maister of family? Wherefore not? Since God there put it, and the presumptuous Canon thence bereft it. This only must be provided, that the ancient manner be observ'd in presence of the Minister, and other grave selected Elders; who after they shall have admonisht and prest upon him the words of our Saviour, & he shall have protested in the faith of the eternal Gospel, and the hope he has of happy resurrection, that otherwise then thus he cannot doe, and thinks himself, & this his case not contain'd in that prohibition of divorce
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which Christ pronounc't, the matter not beeing of malice, but of nature, and so not capable of reconciling, to constrain him further were to unchristen him, to unman him, to throw the mountain of *Sinai* upon him, with the waight of the whole Law to boot, flat against the liberty and essence of the Gospel, and yet nothing available either to the sanctity of mariage, the good of husband, wife, or children, nothing profitable either to Church or Common wealth. But this would bring in confusion. Be of good cheer, it would not: it wrought so little disorder among the *Jews* that from *Moses* till after the captivity not one of the Profets thought it worth rebuking; for that of *Malachy* well lookt into, will appeare to be, not against divorcing, but rather against keeping strange Concubines, to the vexation of their *Hebrew* wives. If therefore wee Christians may be thought as good and tractable as the *Jews* were, and certainly the prohibitors of divorce presume us to be better, then lesse confusion is to be fear'd for this among us then was among them. If wee bee worse, or but as bad, which lamentable examples confirm wee are, then have wee more, or at least as much need of this permitted law, as they to whom God expressly gave it under a harsher covenant. Let not therefore the frailty of man goe on thus inventing needlesse troubles to it self to groan under the fals imagination of a strictnes never impos'd from above, enjoyning that for duty which is an impossible and vain supererogating. *Bee not righteous overmuch*, is the counsel of *Ecclesiastes*; *why shouldst thou destroy thy self?* Let us not be thus over-curious to strain at *atoms*, and yet to stop every vent and cranny of permissive liberty: lest nature waiting those needful pores, and breathing places which God hath not debarr'd our weaknes, either suddenly break out into some wide rupture of open vice, and frantick heresy, or els inwardly fester with repining and blasphemous thoughts, under an unreasonable and fruitles rigor of unwarranted law. Against which evils nothing can more beseem the religion of the Church or the wisdom of the State, then to consider timely and provide. And in so doing, let them not doubt but they shall vindicate the misreputed honour of God and his great Lawgiver, by suffering him to give his own laws according to the condition of mans nature best known to him, without the unsufferable imputation of dispensing legally with many ages of raiisy'd adultery. They shall recover the misattended words of Christ to the sincerity of their true sense from manifold contradictions, and shall
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open them with the key of charity. Many helpeles Christians they shall raise from the depth of sadness and distresse, utterly unfitted, as they are, to serv God or man : many they shall reclaime from obscure and giddy sects, many regain from dissolute and brutish licence, many from desperate hardnes, if ever that were justly pleaded. They shall set free many daughters of *Israel*, not wanting much of her sad plight *whom Satan had bound eighteen years*. Man they shall restore to his just dignity, and prerogative in nature, preferring the souls free peace before the promiscuous draining of a carnal rage. Mariage from a perilous hazard and snare, they shall reduce to be a more certain hav'n and retirement of happy society ; when they shall judge according to God and *Moses*, and how not then according to Christ ? when they shall judge it more wisdom and goodnes to break that covenant seemingly & keep it really, then by compulsion of law to keep it seemingly, and by compulsion of blameles nature to break it really, at least if it were ever truly joyn'd. The vigor of discipline they may then turn with better successe upon the prostitute loosenes of the times, when men finding in themselves the infirmities of former ages, shall not be constrain'd above the gift of God in them to unprofitable and impossible observances never requir'd from the civilest, the wisest, the holiest Nations, whose other excellencies in moral vertu they never yet could equal. Last of all, to those whose mind still is to maintain textual restrictions, wherof the bare sound cannot consist sometimes with humanity, much lesse with charity, I would ever answer by putting them in remembrance of a command above all commands, which they seem to have forgot, and who spake it ; in comparison wherof this which they so exalt, is but a petty and subordinate precept. *Let them goe* therefore with whom I am loath to couple them, yet they will needs run into the same blindnes with the Pharises, *let them goe therefore* and consider well what this lesson means, *I will have mercy and not sacrifice* ; for on that *saying all the Law and Profets depend*, much more the Gospel whose end and excellence is mercy and peace : Or if they cannot learn that, how will they hear this, which yet I shall not doubt to leave with them as a conclusion : That God the Son hath put all other things under his own feet ; but his Commandments he hath left all under the feet of charity.

The end.



Omitted pa. 19. lin. 28.

VV Horn thus to shut up and immure together, the one with a mischosen mate, the other in a mistak'n calling, is not a course, &c.

Omitted pa. 24. lin. 22.

Uncertain good.] This only text not to be match't again throughout the whole Scripture, wherby God in his perfect Law should seem to have granted to the hard hearts of his holy people under his own hand a civil immunity and free charter to live and die in a long successive adultery, under a covenant of works, till the *Messiah*, and then that indulgent permission to be strictly deny'd by a covenant of grace, besides the incoherence of such a doctrine, cannot, must not be thus interpreted, to the raising of a paradox never known till then, only hanging by the twin'd thred of one doubtful Scripture, against so many other rules and leading principles of religion, of justice, and purity of life. For what could be granted more either to the fear, or to the lust of any tyrant, or politician, then this authority of *Moses* thus expounded; which opens him a way at will to damme up justice, and not only to admit of any *Remiss*, or *Austrian* dispences, but to enact a Statute of that which he dares not seem to approve, ev'n to legitimate vice, to make sin it self a free Citizen of the Common-wealth, pretending only these or these plausible reasons. And well he might, all the while that *Moses* shall be alleg'd to have don as much without shewing any reason at all. Yet this could not enter into the heart of *David*, *Psal* 94. 20. how any such authority as endeavours to fashion wickedness by law, should derive it self from God. And *Isaiah* lays woe upon them that decree unrighteous decrees, 10. 1. Now which of these two is the better Lawgiver, and which deserves most a woe. he that gives out an Edict singly unjust, or he that confirms to generations a fixt

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and unmolested impunity of that which is not only held to be un-
just, but also unclean, and both in a high degree, not only as they
themselves affirm, an injurious expulsion of one wife, but also an un-
clean freedom by more then a patent to wed another adulterously?
How can wee therefore with safety thus dangerously confine the
free simplicity of our Saviours meaning to that which meerly a-
mounts from so many letters, whenas it can consist neither with
his former and cautionary words, nor with other more pure and
holy principles, nor finally with the scope of charity, &c.

19: 9/1644

I perceive the strength of the Marriage
bond and the honour of that estate,
giving those false pretences and dangerous
examples of it, which common discourses (con-
sidering the Adultery) are likely to make in un-
staid minds and men given to change, by in-
king in or grounding themselves upon the
opinion advanced, and with good reason con-
futed in this Treatise, I have approved the
printing and publishing of it.

LONDON, 1644. JOHN CARLISLE

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